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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Thomas R. Lemmons

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,865

Applicant(s)

LEMMONS ET AL.

Examiner

Hai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,11,16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4-10, 12-15, 17-23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/30/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 2, 4-10, 12-15, 17-23, and 15-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claims 4-5 and 17-18 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 4-5 and 17-18 are objected to because of the following informalities:

Claims 4 and 5 seem to be depended on claim 2 and not on cancelled claim 3,  
and

Claims 17 and 18 seems to be depended on claim 15 and not on cancelled claim 16.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 2, 4-7, 10, 12, 15, 17-20, 23, and 25 are rejected under 35 U.S.C. 102(e) as being unpatentable by Rowe et al (US 6008803).

Claim 2, Rowe discloses a method for navigating in a program guide (Fig. 10), comprising:

presenting the program guide to a user, the program guide comprising a program grid having a plurality of cells arranged in rows and at least one column (Col. 6, lines 55-67), wherein:

at least one of the cells in the program grid corresponds to a navigation cell selectable by the user (see Fig. 2-4, 6-8; Col. 7, lines 44-Col. 8, lines 35), the navigation cell comprising at least one navigation point (see Fig. 2-4, 6-8 in which navigation cells, i.e., cell 60 of el. 52 comprises navigation points, i.e. Sport, etc... and navigation cell 64 of el. 54 comprises navigation points, i.e., Basketball, etc... The selection of Navigation Cell 60 of Column 52 with its navigation point "Sport", for example, would result in displaying/producing another group of Navigation Cell 64 of Column 54 with its navigation points, i.e., Basketball, etc...), and a remainder of the cells in the program grid corresponds to program information cells (see program display el. 56 with its program title el. 66);

receiving a user selection of the navigation cell (Col. 9, lines 1-27); and navigating the program guide to the at least one navigation point in response to the

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user selection of the navigation cell (see Fig. 2-4, 6-8 in which Cell 60 of Column 52 is a navigation point, i.e., Sports that displays a list of sub-categories of Sport, i.e., Basketball, etc... and when the user selects navigation point "Sport", a plurality of Navigation point 64 of Column 54, i.e., Basketball, etc... will be displayed and the in turn the system displays a list of program display el. 56 with its program title el. 66 when the user selects Navigation point "Sport" and subsequently selects the associated navigation point, i.e., "Basketball" or just selects navigation point "Basketball" if the associated navigation point "Sport" has been previously selected);

Claim 4, Rowe further discloses repositioning a cursor from a program information cell within the program grid to the navigation cell (inherently reads on the navigation features using a remote control, Col. 9, lines 1-45).

Claim 5, Rowe further discloses scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (reads on Fig. 2-4 in which the user scrolls up/down the cursor along the program title el. 66 within the program display el. 56 without any changes of the corresponding selected Navigation point "Sport" and subsequently selected the associated navigation point, i.e., "Basketball", for example)

Claim 6, Rowe further discloses presenting an icon in the navigation cell (the navigation cell 60 or el. 62/64 is an icon because of its 3D presentation, see Fig. 2-3).

Claim 7, Rowe further discloses wherein the at least one navigation point corresponds to programs that are currently being broadcast (see Fig. 4 program display el. 56 with programs that are currently broadcasting and correspond to navigation point "Basketball" of navigation point "Sport").

Claim 10, Rowe discloses a method for navigating in a program guide (Fig. 10), comprising: presenting the program guide to a user, the program guide comprising a program guide menu (See Fig. 2-4, 6-8, el. 52 and 54) and a program grid having program schedule information (see Fig. 2-4, 6, program title el. 66 within the program display el. 56);

presenting in the program guide menu a plurality of navigation points selectable by the user (see Fig. 2-4, 6-8, el. 62 of el. 52 and el. 64 of 54 in which navigation cells, i.e., cell 60 of el. 52 comprises navigation points ,i.e. Sport, etc... and navigation cell 64 of el. 54 comprises navigation points, i.e., Basketball, etc... ; Col. 7, lines 44-Col. 8, lines 35);

As to limitation, "wherein each of the plurality of navigation points corresponds to a different display mode for displaying the program schedule information presented in the program grid; receiving a user selection of a selected one of the plurality of navigation points corresponding to a selected display mode; and displaying the program schedule information in the selected display mode in response to the user selection of the selected navigation point" reads on Fig. 2-4, 6-8 in which the user selects navigation point "Sport" from the Navigation Cell 60 of

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Column 52 along with its navigation point "Basketball" from the Navigation cell 64 of Column 54, for example, would result in displaying a list of corresponding program title el. 66 in display el. 56 or just selects navigation point "Basketball" if the associated navigation point "Sport" has been previously selected);

Claim 12, Rowe further discloses wherein the selected navigation point corresponds to programs that are currently being broadcast (Col. 13, lines 28-45);

Claim 15, Rowe discloses a system for presenting a program guide (Fig. 1 and 10), comprising:

- a remote control (Fig. 1, el. 40) that receives user input from a user; and
- a control unit (Fig. 1, el. 32, STB):

that causes the program guide to be presented to a user, the program guide (Fig. 2-4, 6-8) comprising a program grid having a plurality of cells arranged in rows and at least one column (Col. 6, lines 55-67), wherein:

- at least one of the cells in the program grid corresponds to a navigation cell selectable by the user (see Fig. 2-4, 6-8; Col. 7, lines 44-Col. 8, lines 35), the navigation cell comprising at least one navigation point (see Fig. 2-4, 6-8 in which navigation cells, i.e., cell 60 of el. 52 comprises navigation points ,i.e. Sport, etc... and navigation cell 64 of el. 54 comprises navigation points, i.e., Basketball, etc... The selection of Navigation Cell 60 of Column 52 with its navigation point "Sport", for example, would result in displaying/producing another group of Navigation Cell 64 of

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Column 54 with its navigation points, i.e., Basketball, etc...), and a remainder of the cells in the program grid corresponds to program information cells (see program display el. 56 with its program title el. 66) that receives a user selection of the navigation cell as part of the user input, and that navigates the program guide to the at least one navigation point in response to the user selection of the navigation cell (inherently reads on the navigation features using a remote control, Col. 9, lines 1-45 reads on Fig. 2-4, 6-8 in which the user selects navigation point "Sport" from the Navigation Cell 60 of Column 52 along with its navigation point "Basketball" from the Navigation cell 64 of Column 54, for example, would result in displaying a list of corresponding program title el. 66 in display el. 56 or just selects navigation point "Basketball" if the associated navigation point "Sport" has been previously selected).

Claim 17, Rowe further discloses wherein the control unit also repositions a cursor from a program information cell within the program grid to the navigation cell (inherently reads on the navigation features using a remote control, Col. 9, lines 1-45).

Claim 18, Rowe further discloses wherein the control unit also scrolls the program information cells while keeping the navigation cell substantially fixed response to user input (reads on Fig. 2-4 in which the user scrolls up/down the cursor along the program title el. 66 within the program display el. 56 without any



changes of the corresponding selected Navigation point "Sport" and subsequently selected the associated navigation point, i.e., "Basketball", for example).

Claim 19, Rowe further discloses wherein the control unit also causes an icon to be presented in the navigation cell (the navigation cell 60 or el. 62/64 is an icon because of its 3D presentation, see Fig. 2-3).

Claim 20, Rowe further discloses wherein the at least one navigation point corresponds to programs that are currently being broadcast (Col. 13, lines 28-45);

23. Rowe discloses a system for presenting a program guide (Fig. 1 and 10), comprising:

- a remote control (Fig. 1, el. 40) that receives user input from a user; and
- a control unit (Fig. 1, el. 32, STB):

- that causes the program guide (Fig. 2-4, 6-8) comprising a program guide menu (el. 52 and 54) and a program grid having program schedule information to be presented to a user a program grid having a plurality of cells arranged in rows and at least one column (Col. 6, lines 55-67), that causes a program guide menu including a plurality of navigation points selectable by the user to be presented, wherein each of the plurality of navigation points corresponds to a different display mode for displaying the program schedule information presented in the program grid that receives a user selection of selected one of the plurality of navigation points corresponding to a selected display mode, and that displays the program schedule information in the selected display mode in response to the user selection of the

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selected navigation point (reads on Fig. 2-4, 6-8 in which the user selects navigation point "Sport" from the Navigation Cell 60 of Column 52 along with its navigation point "Basketball" from the Navigation cell 64 of Column 54, for example, would result in displaying a list of corresponding program title el. 66 in display el. 56 or just selects navigation point "Basketball" if the associated navigation point "Sport" has been previously selected).

Claim 25, Rowe further discloses wherein the selected navigation point corresponds to programs that are currently being broadcast (Col. 13, lines 28-45);

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-9, 13-14, 21-22 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al (US 6008803) in view of Young (US 5727060) .

Claims 8-9, 13-14, 21-22 and 26-27, Rowe discloses a method/system for presenting a program guide (Fig. 1 and 10), as analyzed in the above section.

Rowe does not clearly disclose that the navigation point corresponds to programs that are broadcast on premium channels and/or during a primetime time period.

Young discloses a method of navigating in an EPG (Fig. 17) wherein a selection, i.e. by primetime, displays list of primetime programming during a primetime time period (Col. 24, lines 38-42) or i.e., by a premium channels selection (Pay Per View) displays list of PPV programming (Col. 27, lines 1-5). Because Rowe discloses plurality of navigation points corresponds to programs in different categories; Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe with the prime-time and premium channels categories, as taught by Young , in order to enhance Rowe's friendly GUI interface by adding new features such as, list a primetime programming/PPV premium channels for user-friendly accessing.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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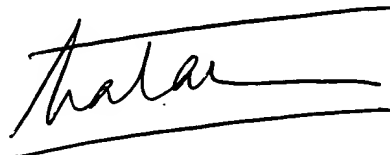
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
08/18/2005

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

**HAI TRAN  
PRIMARY EXAMINER**